

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re Carmine P. Amelio

Case No.: 18-cv-08769 (GBD)
18-cv-11420 (GBD)
19-cv-00314 (GBD)

MAY 21 2020
MOTION DENIED
Judge George B. Daniels

**MOTION FOR RECONSIDERATION AND REQUEST FOR FINDINGS OF FACT AND
CONCLUSIONS OF LAW FOR VOID ORDER DATED MAY 18, 2020 DENYING
DEBTOR'S REQUEST FOR PERMISSION TO PARTICIPATE IN ELECTRONIC E-
FILING FOR THE ABOVE MATTERS**

COMES NOW the Appellant-Debtor, Carmine P. Amelio, *pro se*, who respectfully requests reconsideration of this Court's void Order dated May 18, 2020, denying debtor's request for permission to participate in electronic e-filing, for failing to provide findings of fact and conclusions of law:

Judgments in non-jury trials

- a) In bench trials (trials without jury), the judge not only makes the legal conclusions but also is the finder of fact.
- b) Written findings of fact and conclusions of law are required in all actions tried without a jury, whether or not requested by a party. Rule 52(a)(1).
- c) Findings of fact must be set forth separately from the conclusions of law.

(1) Failure to set forth the findings and conclusions separately is likely to be reversible error. *Pineda-Lopez v.*

North Carolina Growers Assoc., Inc., 151 N.C. App. 587, 566 S.E.2d 162 (2002).

Furthermore, although the above matters are closed, Appellant will be filing a motion for stay pending appeal related to the above matters and must first move before the District Court, pursuant to Rule 8:

- (a) Motion for Stay.
- (1) Initial Motion in the District Court.

A party must ordinarily move first in the district court for the following relief:

- (A) a stay of the judgment or order of a district court pending appeal;
- (B) approval of a bond or other security provided to obtain a stay of judgment; or
- (C) an order suspending, modifying, restoring, or granting an injunction while an appeal is pending.

WHEREFORE, Appellant respectfully requests reconsideration of this Court's void Order dated May 18, 2020 or provide findings of fact and conclusions of law for denying the same, and for all such other relief.

Date: May 18, 2020

Respectfully Submitted,

/s/ Carmine P. Amelio

Carmine P. Amelio, Debtor Pro Se

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